

2013 No. 1753

ROAD TRAFFIC

**The Motor Vehicles (Driver Testing and Vehicle Load)
Regulations 2013**

<i>Made</i> - - - -	<i>11th July 2013</i>
<i>Laid before Parliament</i>	<i>16th July 2013</i>
<i>Coming into force</i> - -	<i>15th August 2013</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 89(3) and (4) and 105(1) and (3) of the Road Traffic Act 1988(a), sections 2(2)(d) and 57(1), (7), and (8)(b) of the Goods Vehicles (Licensing of Operators) Act 1995(c), section 2(2) of the European Communities Act 1972(d) and section 14A of the Interpretation Act 1978(e).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the regulation and supervision of the qualifications and working conditions of persons engaged in road transport(f).

Representative organisations have been consulted in accordance with section 195(2) of the Road Traffic Act 1988 and section 57(12) of the Goods Vehicles (Licensing of Operators) Act 1995.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Motor Vehicles (Driver Testing and Vehicle Load) Regulations 2013 and come into force on 15th August 2013.

(2) These Regulations extend to Great Britain except that regulation 3 extends to Great Britain and Northern Ireland and in so far as it relates to regulation 3 regulation 5 also extends to Northern Ireland.

Amendment of the Motor Vehicles (Driving Licences) Regulations 1999

2.—(1) The Motor Vehicles (Driving Licences) Regulations 1999(g) are amended as follows.

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- (a) 1988 c. 52. Relevant amendments to section 89(3) were made by section 36(1) and (2)(a) of the Road Safety Act 2006 (c. 49). Relevant amendments to section 89(4) were made by section 36(1) and (3)(a) and (b) of the Road Safety Act 2006. See section 108 for the definitions of “prescribed” and “regulations”. There are other amendments to section 89(3) and (4) and to section 105 that are not relevant to these Regulations.
 - (b) See section 58 for the definitions of “prescribed” and “regulations”.
 - (c) 1995 c. 23.
 - (d) 1972 c. 68; relevant amendments to section 2 were made by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).
 - (e) 1978 c.30. Section 14A was inserted by sections 59(1) and (2) and 103 of the Enterprise and Regulatory Reform Act 2013 (c.24).
 - (f) S.I. 1975/1707.
 - (g) S.I. 1999/2864, to which there are amendments not relevant to these Regulations.

(2) In regulation 3(a) (interpretation)—

(a) after the definitions of “Group 1 licence” and “Group 2 licence”, insert—

““IBC” means an intermediate bulk container, being one single sealed container—

- (a) made of plastic or metal;
- (b) designed for the storage and transport of fluids;
- (c) with a capacity of 1,000 litres;
- (d) having its capacity clearly marked on its exterior; and
- (e) filled to capacity with water;”.

(b) after the definition of “extended driving test”, insert—

““fire engine” means a category C motor vehicle that is being used—

- (a) in England or Wales, by a fire and rescue authority (as determined under section 1 of the Fire and Rescue Services Act 2004(b)); or
- (b) in Scotland, by the Scottish Fire and Rescue Service (as established under section 1A of the Fire (Scotland) Act 2005(c);”.

(c) after the definition of “traffic commissioner”, insert—

““training load” means a load consisting of—

- (a) an IBC; or
- (b) training load packages that are all marked with the same nominal quantity by weight;

“training load package” means a product packaged in a transparent sealed bag so that the combination of the product and the individual bag in which it is packed is either or both of the following—

- (a) a “package” to which the Weights and Measures (Packaged Goods) Regulations 2006(d) “the 2006 Regulations” or the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011(e) “the 2011 Regulations” apply, and—
 - (i) is marked in accordance with the requirements of regulation 5(1) of the 2006 Regulations or the 2011 Regulations as the case may be;
 - (ii) is marked with its nominal quantity by weight in accordance with regulation 8 of the 2006 Regulations or the 2011 Regulations as the case may be; and
 - (iii) that nominal quantity by weight so marked on the package is no less than 10kg; or
- (b) a “prepackage” to which Council Directive 76/211/EEC(f) applies, and—
 - (i) is marked in accordance with points 3.1 and 3.2 of Annex I to that Directive; and
 - (ii) the nominal quantity by weight so marked on the prepackage is no less than 10kg;”.

(a) There are amendments to regulation 3 that are not relevant to these Regulations.

(b) 2004 c.21; section 1 was amended by paragraphs 10(1) and (2) of Part 1 of Schedule 2 to the Civil Contingencies Act 2004, c.36.

(c) 2005 asp 5. Section 1A was inserted by the Police and Fire Reform Act 2012 asp 8.

(d) S.I. 2006/659. These Regulations extend to Great Britain only. See regulation 2 for definitions of “importer”, “nominal quantity”, “package” and “packer”.

(e) S.R. (NI) 2011 No 331. These Statutory Rules extend to Northern Ireland only. See regulation 2 for definitions of “importer”, “nominal quantity”, “package” and “packer”.

(f) OJ No L 46, 21.2.1976, p1. Council Directive 76/211/EEC of 20 January 1976 concerns the approximation of the laws of the Member States relating to the making-up by weight or volume of certain prepackaged products.

- (3) In regulation 37(a)(test vehicles)—
- (a) in paragraphs (1) and (2), where the words “the Table” appear, substitute “Table 1”;
 - (b) in sub-paragraphs (a), (b), and (c) of paragraph (3), where the words “the table” appear, substitute “Table 1”;
 - (c) for paragraph (7), substitute—
 - “(7) A person submitting himself for a practical test prescribed in respect of category B+E, C, C+E, D, or D+E shall provide a vehicle which is not carrying goods or burden other than either or both of the following—
 - (a) fixed items which are characteristic of the class to which it belongs;
 - (b) any load carried in accordance with paragraph (7A).”;
 - (d) after paragraph (7), insert—
 - “(7A) A person submitting himself for a practical test prescribed in respect of any of the categories or sub-categories shown in column 1 of Table 2 at the end of this regulation—
 - (a) may, during the period beginning with 15th August 2013 and ending with 14th November 2013, provide a vehicle which—
 - (i) is carrying a load of the nature and weight shown in column 2 of Table 2, in relation to that category or sub-category and description of vehicle; and
 - (ii) is loaded in such a way that the person authorised to conduct the test can visually assess the weight of the load without the load being disturbed;
 - (b) shall, on or after 15th November 2013, provide a vehicle which—
 - (i) is carrying a load of the nature and weight shown in column 2 of Table 2, in relation to that category or sub-category and description of vehicle; and
 - (ii) is loaded in such a way that the person authorised to conduct the test can visually assess the weight of the load without the load being disturbed.”;
 - (e) in paragraph (12), where the words “the table” appear, substitute “Table 1”;
 - (f) after paragraph (12), before the table(b), for the heading “TABLE”, substitute “Table 1”; and
 - (g) after Table 1, as so re-named by sub-paragraph (f), insert—

“Table 2

Load requirements for test vehicles

<i>(1) Category or sub-category and description of vehicle</i>	<i>(2) Nature and weight of load required to be carried on the vehicle or trailer or both.</i>
B+E	A training load weighing a minimum of 600kg and a maximum of 1,000kg loaded on the trailer.
C	Water or foam carried on the fire engine so that the total laden weight of the fire engine is at least 10,000kg.
(a) fire engine	
C	Five IBCs loaded on the motor vehicle.
(b) other motor vehicles	

- (a) Relevant amendments to regulation 37 were made by regulation 5(1) to (3) and (5) of the Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2003 (S.I. 2003/2003), by regulations 2 and 15(b) of the Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788) and by paragraphs 1 and 20 of Schedule 3 to the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977).
- (b) The table was substituted by regulation 5(5) of the Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2003 (S.I. 2003/2003).

C+E (a) articulated goods vehicle combination	Eight IBCs loaded on the combination.
C+E (b) combination of a minimum test vehicle for category C and a trailer	Five IBCs loaded on the motor vehicle and three IBCs loaded on the trailer.
C1+E	A training load weighing a minimum of 600kg and a maximum of 1,000kg loaded on the trailer.
D+E	A training load weighing a minimum of 600kg and a maximum of 1,000kg loaded on the trailer.
D1+E	A training load weighing a minimum of 600kg and a maximum of 1,000kg loaded on the trailer.”.

Amendment of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007

3.—(1) Regulation 5A (further requirements at tests: initial CPC test) of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007(a) is amended as follows.

(2) In paragraph (2A)(b), for the words “the table in regulation 37”, substitute “Table 1 in regulation 37”.

(3) In sub-paragraph (2A)(a), for the words “the table in that regulation 37”, substitute “Table 1 in that regulation 37”.

(4) After sub-paragraph (2A)(a), insert—

“(ab) may, during the period beginning with 15th August 2013 and ending with 14th November 2013, where the relevant vehicle provided is one which falls within a category or sub-category and description shown in column 1 of Table 2 in that regulation 37, carry a load of the nature and weight specified in column 2 in respect of the category or sub-category and description within which the vehicle falls;

(ac) shall, on or after 15th November 2013, where the relevant vehicle provided is one which falls within a category or sub-category and description shown in column 1 of Table 2 in that regulation 37, carry a load of the nature and weight specified in column 2 in respect of category or sub-category and description within which the vehicle falls;”.

(5) For the first entry in column 1 of the table after sub-paragraph (2A)(c), substitute—
“The vehicle shall not be carrying goods or burden other than either or both of the following—

(a) any load carried in accordance with regulation 37(7A) of the Driving Licences Regulations for that category or sub-category and description of vehicle;

(b) any fixed items which are characteristic of the category or sub-category to which it belongs.”.

(a) S.I. 2007/605. Regulation 5A was inserted by regulations 3 and 7 of the Vehicle Drivers (Certificates of Professional Competence) (Amendment) (No. 2) Regulations 2008 (S.I. 2008/1965).

(b) Paragraph 2A was inserted by regulation 5 of Vehicle Drivers (Certificates of Professional Competence) (Amendment) Regulations 2010 (S.I. 2010/865).

Amendment of the Goods Vehicles (Licensing of Operators) Regulations 1995

4. In Part I of Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995^(a) (classes of vehicle for which a licence is not required), after paragraph 29, insert—

“**30.** A vehicle in a category or sub-category listed in column 1 of Table 2 in regulation 37 of the Motor Vehicles (Driving Licences) Regulations 1999, provided that—

- (a) no goods are being carried on the vehicle or trailer other than any that may be carried on the vehicle for the purposes of a practical test of driving skills and behaviour, as prescribed in that regulation 37;
- (b) any goods that are being carried on the vehicle or trailer are being carried only for the purposes of driver instruction and not otherwise—
 - (i) for hire or reward, or
 - (ii) for or in connection with any trade or business; and
- (c) the vehicle is—
 - (i) being used for the instruction of a driver who has not passed a test of competence to drive that class of vehicle under section 89 of the Road Traffic Act 1988;
 - (ii) proceeding to or from a test of competence to drive that class of vehicle under section 89 of the Road Traffic Act 1988 or being used in such a test; or
 - (iii) being used in the course of—
 - (aa) a driving lesson for the purpose of enabling a person to obtain a CPC within the meaning of the Vehicle Drivers (Certificate of Professional Competence) Regulations 2007;
 - (bb) periodic training as defined in regulation 2(1) of the Vehicle Drivers (Certificate of Professional Competence) Regulations 2007; or
 - (cc) an initial CPC test as defined in regulation 2(1) of the Vehicle Drivers (Certificate of Professional Competence) Regulations 2007;”.

Review

5.—(1) The Secretary of State must from time to time—

- (a) carry out a review of regulations 2 to 4,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how point 5.2 of Annex II to Directive 2006/126/EC^(b) and sections 2 and 3 of Annex I to Directive 2003/59/EC^(c) (which are partially implemented by regulation 3) are implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the enactments amended by those regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with 19th January 2013.

^(a) S.I. 1995/2869. There are amendments to Schedule 3 that are not relevant to these Regulations.

^(b) OJ No L 403, 30.12.2006, p 18.

^(c) OJ No L 226, 10.9.2003, p 4.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State for Transport

11th July 2013

Stephen Hammond
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Driving Licences) Regulations 1999 (the “1999 Regulations”), the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 (the “CPC Regulations”) and the Goods Vehicles (Licensing of Operators) Regulations 1995 (the “Licensing of Operators Regulations”).

These Regulations implement point 5.2 of Annex II to Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (the “2006 Directive”). This point was first drafted as an amendment to be made to Council Directive 91/439/EEC of 29 July 1991 on driving licences^(a) (the “1991 Directive”), by Commission Directive 2008/65/EC of 27 June 2008^(b), as previously amended by Commission Directive 2000/56/EC of 14 September 2000^(c). Article 17 of the 2006 Directive provided for the repeal of the 1991 Directive and for references to the 1991 Directive to be construed as references to the 2006 Directive.

Point 5.2 of Annex II to the 2006 Directive sets out the “Real Total Mass” which is required for vehicles of certain categories and combinations during practical driving tests. Real Total Mass means the total laden weight of a vehicle.

Regulation 3 also continues implementation of the requirement in sections 2 and 3 of Annex I to Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003, that the CPC test is taken on a vehicle that meets at least the requirements for test vehicles as defined in the 2006 Directive.

Regulation 2 amends the 1999 Regulations.

Regulation 2(2) inserts new definitions of “IBC”, “training load”, and “training load package”, setting out the nature of loads to be carried on vehicles used during driving tests. A new definition of “fire engine” is also inserted, as these vehicles are distinguished in *Table 2* inserted by *regulation 2(3)*.

Regulation 2(3) makes amendments that provide for test vehicles to carry the training loads, the minimum weight of the training loads to be carried, and whether the load is to be carried on the motor vehicle or the trailer, or both.

Regulation 2(3) permits such training loads to be carried during driving tests during a transitional period from 15th August 2013 and requires the loads to be carried from 15th November 2013. Regulation 39(1)(b) of the 1999 Regulations requires the examiner to refuse to conduct the test if not satisfied that these requirements are met.

(a) OJ No L 237, 24.8.1991, p 1.
(b) OJ No L 168, 28.6.2008, p 36.
(c) OJ No L 237 21.9.2000, p 45.

Regulation 3 amends the CPC Regulations.

Regulation 3 provides for test vehicles to carry the training loads during CPC tests.

Regulation 3(4) permits such training loads to be carried during CPC tests during a transitional period from 15th August 2013 and requires the loads to be carried from 15th November 2013. Regulation 5B already requires the examiner to refuse to conduct the test if the candidate fails to comply with these requirements.

Regulation 4 amends the Licensing of Operators Regulations, exempting vehicle users from the requirement to hold an operator's licence in relation to any goods vehicle carrying the training loads during tests, where the vehicle is being used for a practical driving test, for driving instruction or for testing or training for the CPC test.

Regulation 5 requires the Secretary of State to review the operation and effect of regulations 2 to 4 and publish a report within five years of 19th January 2013 and within every five years thereafter being the same periods prescribed in the Motor Vehicles (Driving Licences)(Amendment) Regulations 2012 S.I. 2012/977, which implemented other provisions of the 2006 Directive. Following each review it will fall to the Secretary of State to consider whether these regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke these regulations or to amend them.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum and Transposition Note alongside the instrument on www.legislation.gov.uk.

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